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OFFICE OF PETITIONS

In re Application of :
Bruce M. Ruana :
Application No. 09/877,409 :
Filed: June 7, 2001 :
Attorney Docket No. RUANA-002 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed September 24, 2003, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed January 31, 2003, which set a shortened statutory period for reply of three months from the mail date of the Notice. A two (2) month extension of time was filed on September 10, 2003. Accordingly, the application became abandoned on May 1, 2003.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The application file is being forwarded to Technology Center AU 3612 for processing the Request for Continued Examination pursuant to 37 CFR 1.114 filed with the instant petition.

Telephone inquiries regarding this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond
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Office of Petitions
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for Patent Examination Policy